

## InterOffice Memo

**To:** Bremerton City Council Members  
**From:** Donald Pratt, Director of Community Development  
Shane Jensen, Land Use Planner  
**Date:** June 20, 1995  
**Subject:** ZONING ENFORCEMENT APPEAL HEARING PROCEDURES

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Because the "proponent" and "opponent" are different in an appeal hearing than in a typical land use permit hearing, this memo is to remind you to the procedures for speakers in an appeal hearing. After the "appearance of fairness/conflict of interest" questions, the hearing is conducted as follows:

1. ***City Clerk introduces the appeal item***
2. **STAFF INTRODUCTION:** *Identifies actions on property to date (no evidence)*
  - *clarification questions from Council, if needed*
3. **PROPONENT TESTIMONY:** *Appellant ("proponent" of appeal) gives presentation in opposition to staff and PC findings*
  - *clarification questions from Council, if needed*
4. **OPPONENT TESTIMONY:** *Staff Planner ("opponent" of appeal) reports evidence, and findings of Planning Commission regarding the appeal and why it should be opposed/defeated*
  - *clarification questions from Council, if needed*
5. **PUBLIC TESTIMONY**
  - *those in favor of the appeal ("proponents" of appeal)*
  - *those in opposition to the appeal ("opponents" of appeal)*
  - *those with comments of a neutral nature*
6. **WRITTEN TESTIMONY NOT INCLUDED IN STAFF REPORT READ INTO RECORD**
7. **APPELLANT ("proponent") REBUTTAL**
  - *clarification questions from Council, if needed*
8. **CLOSED TO COUNCIL**
  - *clarification questions from Council, if needed*
  - *Council discussion and motion(s)*
9. **COUNCIL ACTION TAKEN BY VOTE**

**When hearing an appeal, the City Council may take any of the following actions:**

1. Uphold the Planning Commission's decision, validating the CEASE and DESIST ORDER.
2. Overturn the decision, invalidating the Order.
3. Modify the decision by adding or deleting conditions.
4. Remand the decision back to the Planning Commission for further review of circumstances or impacts identified by the City Council. (The City Council should include specific issues to be considered.)

ATTACHMENT "A"

CITY OF BREMERTON  
APPEAL OF PLANNING DECISION  
COMMISSION

APPEAL OF: WILLIAM J. SESKO Appellant  
(Your Name)

3536 ARSENAL WAY, 98312  
(Your Mailing Address)

377 - 0697  
(Telephone Number)

ITEM BEING APPEALED: CEASE & DESIST ORDER FOR  
1701 PENNSYLVANIA AVE.

Please provide a brief statement regarding your legal interest in the action being appealed. Use additional pages if necessary.

NATACHA & I OWN THE PROPERTY

Please provide a brief statement of the specific order or action protested, together with material facts claimed to support your contentions. Use additional pages if necessary.

THE PROPERTY HAS ALWAYS BEEN USED FOR  
STORAGE SINCE IT WAS CHANGED TO ZR FROM  
INDUSTRIAL. IN THE PAST IT WAS A DUMP  
SITE OWNED BY THE CITY.

Please provide a brief statement of the relief sought and the reasons why the Administrative Decision action should be reversed, modified or otherwise set aside. Use additional pages if necessary.

DATE: MAY 2, 95

\$59.00

William J. Sesko  
Appellant's Signature

FEE: \_\_\_\_\_ (Due with Letter of Appeal)

Appeals will be scheduled to be heard before the Bremerton Planning Commission as soon as possible, allowing for adequate preparation and notice. You will receive written notification of the Commission hearing date mailed to your address given above. The Planning Commission decision is the final legislative decision.



# CEASE AND DESIST ORDER

Pursuant to BMC 21.02.960 (C) "Cease and Desist Order" WILLIAM SESKO , owner of the property located at NORTH END OF PENNSYLVANIA AVENUE AT PORT WASHINGTON NARROWS (Assessor's Tax Parcel #: 3741-000-022-0101) Bremerton, WA, is hereby ordered to immediately discontinue the illegal use defined herein.

The following conditions have been defined as violations of the Bremerton Municipal Code by the Director of Community Development:

BMC 21.02.340 "Interpretation of Tables" [Land Use Table #: 10: "JUNKYARD" land use is not allowed within the "BUSINESS PARK (BP)" zone.

BMC 21.02.960 "Violation of the Zoning Code" [Cease and Desist Order] (C-2) states:

"An order shall be obeyed immediately, notwithstanding the filing of an appeal. An order is final if not appealed to the Planning Commission within fourteen (14) calendar days from the date of posting, or as otherwise stated within the order."

DATE ORDER WAS POSTED:..... FEBRUARY 2, 1995

APPEAL MUST BE FILED OR  
COMPLIANCE WITH ORDER ACHIEVED BY: ..... FEBRUARY 16, 1995

BMC 21.02.960 "Violation of the Zoning Code" [Cease and Desist Order] (C-3) states:

"Any property subject to a Cease and Desist Order shall be posted with a Vacation Notice [Notice to Vacate] directing vacation of the entire premises within ten (10) working days."

Failure to satisfy the conditions of this order may cause the owner/occupant/lessor to be guilty of a gross misdemeanor as per BMC 21.02.960 "Violation of the Zoning Code" [Cease and Desist Order] (C-3).

ACCOMPLISH THE FOLLOWING ACTION: CEASE & DESIST USE OF THE PROPERTY AS "JUNKYARD".

  
DONALD L. PRATT  
Director of Community Development

2/2/95  
Date

**DO NOT REMOVE OR DEFACE THIS NOTICE**

## **Attachment "C"**

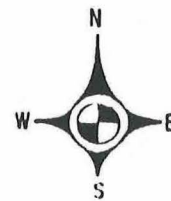
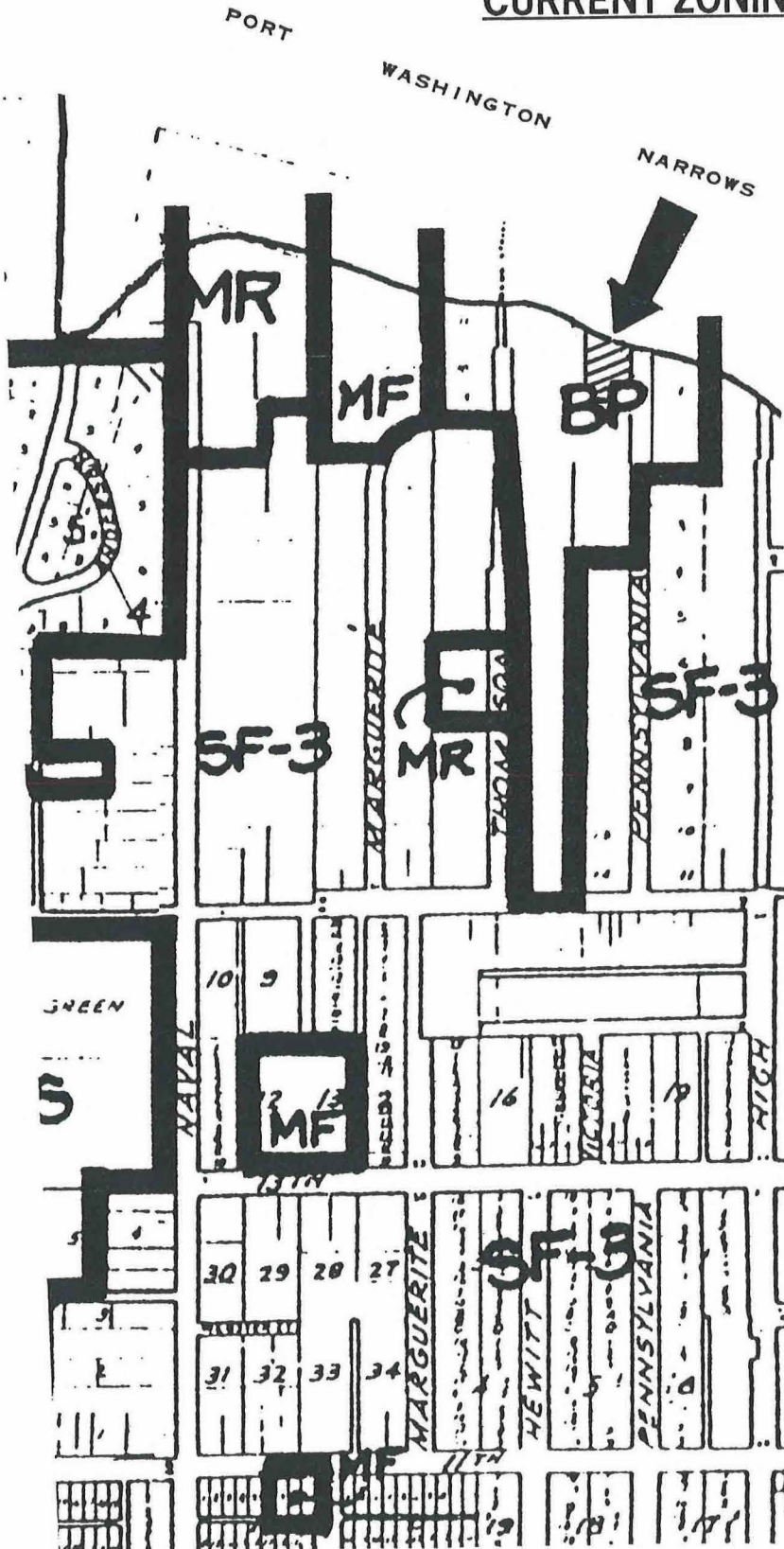
### **"JUNKYARD" definition from Zoning Ordinance**

#### **[Bremerton Zoning Ordinance Chapter III "Definitions"]**

**"JUNKYARD":** A place where discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or otherwise handled. This definition includes automobile wrecking yards; house wrecking yards; and storage of structural steel materials and equipment. This definition does not include used or salvaged machinery in operable condition; nor the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

## Attachment "D"

### CURRENT ZONING MAP



#### ZONING DISTRICTS ON THIS MAP

- SF-2 Single-family Residential
- SF-3 Single-family Residential
- DR Duplex Residential
- MF Multi-family Residential
- MR Mixed Residential
- CBR Central Bremerton Residential
- NB Neighborhood Business
- GB General Business
- BP Business Park
- PS Parks & Schools

SEE TEXT OF ZONING ORDINANCE FOR  
SPECIFIC DEVELOPMENT REGULATIONS.



USES ALLOWED BY ZONE	ZONING DISTRICTS																
	SF-1	SF-2	SF-3	CBR	DR	HD	MF	MR	PO	NB	GB	SC	BC	MX	BP	IP	IG
Newspaper Publishing, Printing, Commercial Printing											A		A		SUP	A	A
Printing Trade Services											A		A		SUP	A	A
Junk Yard																	SUP
Electrical Machinery & Equip. Mfg.											SUP				SUP	A	A
Other Fabricated Metal Products Mfg.											SUP					A	A
Professional, Scientific Control Instrument Mfg.											SUP				SUP	A	A
Machine Shop											SUP						A
Drugs, Chemicals and Allied Products - Wholesale											SUP					A	A
Dry Goods & Apparel - wholesale											SUP				A	A	A
Groceries - wholesale											SUP				SUP	A	A
Electrical Goods - wholesale											SUP				SUP	A	A
Hardware, Plumbing and Heating - wholesale											SUP				SUP	A	A
Machinery, Equipment and Supplies - wholesale											SUP				SUP	A	A
Scrap/Waste Materials wholesale																	SUP
Warehousing - general											SUP				SUP	A	A
Mini-warehousing											SUP		SUP		A	A	A
Food Products Mfg.											SUP				SUP	A	A

A = Allowed Principal Use

AC = Allowed Accessory Use

SUP = Special Use Permit Required

PUD = Allowed as Planned Unit Development

**PLANNING COMMISSION MINUTES**

**April 18, 1995**

**MEMBERS PRESENT:**

Chair: Richard Goetze, Vice-Chair Wayne Olsen; Commissioners: Barbara Gary Boyd, John Hancock, Debra Jackson, Laurence Stone.

**STAFF PRESENT:**

Don Pratt, DCD Director  
Shane Jensen, Land Use Planner

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Item VII - 2. William Sesko's Appeal for a Cease and Desist Order issued to stop an illegal junk yard land use.

City staff member Shane Jensen gave the staff report attached including a video type off the condition of the property. Marked exhibit and photo marked Exhibits B, C, D, E, F, G, H, I.

Chairman Goetze asked for written testimony; City Staff member Jensen read a written testimony for:

1. Rhoda Gage, 1558 Pennsylvania Ave., Bremerton.

Mr. Jensen also provided notes from a telephone conversation with Bill Radford, 1701 Pennsylvania, Bremerton. Mr. Radford supported the City's enforcement action.

0522 The appellant, Bill Sesko of Arsenal Way, spoke on his behalf. He explained the history of the property as a coal gassification plant and the debris and possible contamination in the soil on the site. When I find out what the nature of the contamination is, I will file for permits. I will install a view-obscuring fence and remove some of the vehicles. The property was used for storage before the Business Park zoning and is a legal nonconformity.

FINAL COPY  
APPROVED MAY 16, 1995

Planning Commissioner Goetze: What is your timetable for removing illegal items?

Mr. Sesko: I'm not sure about the beach area; I will need to determine contamination and negotiate with the City and State.

Planning Commissioner Boyd: What about all the small stuff that is stored on the site?

Mr. Sesko: That site used to be a City dump. As I dig in the soil, garbage comes out. I am trying to haul the garbage off. I've been working at it for a year.

Planning Commissioner Stone: Your appeal is for Arsenal Way and Pennsylvania - are we considering both now?

City staff Jensen: No, only the Pennsylvania Avenue site junkyard.

Planning Commissioner Stone: Do I understand that you believe the junkyard determination does not apply to you?

Mr. Sesko: Some of the items should not be determined as junk. The rest of the items are involved in the contamination issue.

Planning Commissioner Stone: What is your intention with the building?

Mr. Sesko: The City did not give me notice that any of the items are illegal. If they will tell me what the City disagrees with, I will prove nonconformity or remove it.

Chairman Goetze: I close the discussion to the Planning Commission.

Planning Commissioner Robinson: Junk is junk. Most of the stored material there is junk. I move the adoption of the model motion.

Seconded by Mr. Stone.

Question called by Ms. Boyd.

Unanimous vote to deny the appeal.

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